

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

Docket No. 4172-4913

of \_\_\_\_\_  
(inventor(s))

for \_\_\_\_\_  
(title of invention)

OR

In re application of: Thomas Jokerst

Group Art Unit: 2743

Serial No.: 09 / 105,705

Examiner: Unknown

Filed: June 26, 1998

For: RETURN PATH NOISE REDUCER

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN  
THREE  
MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION

(37 CFR 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee;

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

(check and complete appropriate item below):

☒ 37 CFR 1.8(a)  
with sufficient postage  
as first class mail

or

☐ 37 CFR 1.10  
as "Express Mail Post Office  
to Addressee" Mailing Label  
No. \_\_\_\_\_

Date

11/10/98

Anthony G. Simon  
(type or print name of person mailing paper)

(Signature of person mailing paper)

(2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

### IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

**NOTE** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing.

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Date

11/10/98

Reg. No. 40,813

Tel. No.: (314)

SIGNATURE OF ATTORNEY  Anthony G. Simon

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600/2743



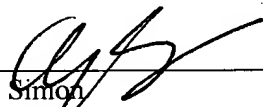
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

St. Louis, Missouri  
November 10, 1998

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: BOX IDS, Assistant Commissioner for Patents, Washington, D.C. 20231 on November 10, 1998.

  
\_\_\_\_\_  
Anthony Simon  
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**RECEIVED**  
NOV 18 1998  
Group 2700

In re application of:  
Thomas Jokerst

Serial No.: 09/105,705

Filed: June 26, 1998

For: Return Path Noise Reducer

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: Examiner Unknown  
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: Group Art Unit 2743  
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Assistant Commissioner for Patents  
Washington, D.C. 20231

LETTER

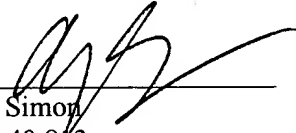
Dear Sir:

Enclosed herewith are the following:

- (1) Transmittal of Information Disclosure Statement within three months of filing or before mailing of first Office Action
- (2) Information Disclosure Statement
- (3) Copies of References
- (4) Return Filing Postcard

It is believed that this Information Disclosure Statement is being filed before the mailing of a first Office Action. Therefore, Applicant believes there is no fee required. However, if a fee is required under 37 C.F.R. §1.17(p) (For Submission of an information disclosure statement under §1.97(c)), the Commissioner is hereby authorized to charge any such fee which may be required for the filing of the Information Disclosure Statement to Account No. 18-1829.

Respectfully submitted,

  
\_\_\_\_\_  
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November 10, 1998